

## UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

WILLIAM LEONARD PICKARD,

No. C 10-05253 LB

Plaintiff,

v.

**AMENDED ORDER TRANSFERRING  
CASE TO DISTRICT OF ARIZONA  
AND DENYING MOTION FOR  
RECONSIDERATION**

DEPARTMENT OF JUSTICE,

Defendant.

**[ECF No. 39]**

The court previously transferred this FOIA case to the Eastern District of Virginia because venue was improper here. *See* 6/7/11 Order, ECF No. 38, at 2, 5 (holding that venue was proper in the Eastern District of Virginia and the District of Arizona).<sup>1</sup> On June 15, 2011,<sup>2</sup> Plaintiff William Pickard timely asked the court to reconsider its ruling that venue was improper here. Motion for Reconsideration, ECF No. 39. In the alternative, he asked to transfer the case to the District of Arizona. The government does not object to transfer to the District of Arizona instead of the Eastern District of Virginia. Response, ECF No. 41. Accordingly, the court amends its prior order to

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<sup>1</sup> Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

<sup>2</sup> Under the "mailbox rule," Mr. Pickard filed his motion for reconsideration on June 15, 2011 because that is when he placed the motion in institutional mail. *See, e.g., Houston v. Lack*, 487 U.S. 286, 270-71 (1988); *Stillman v. Lamarque*, 319 F.3d 1199, 1201 (9<sup>th</sup> Cir. 2003); Proof of Service, ECF No. 39-1 at 2.

1 transfer the case to the District of Arizona instead (and to this extent only, grants Mr. Pickard's  
2 motion for reconsideration).

3 Mr. Pickard also asked for certification of an interlocutory appeal only if the court denied his  
4 motion to transfer the case to the District of Arizona instead of the Eastern District of Virginia. The  
5 court thus denies the motion for certification as moot. The court otherwise denies Mr. Pickard's  
6 motion for reconsideration, having already considered and rejected the general arguments in its prior  
7 order at ECF No. 38.

8 This disposes of ECF No. 39.

9 **IT IS SO ORDERED.**

10 Dated: July 8, 2011



11 LAUREL BEELER  
12 United States Magistrate Judge  
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